**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**
**O.O.C.J.**

**WRIT PETITIION (LODGING) NO. 2258 OF 2007**

Bharat Petroleum Karmachari Union .. Petitioner
v/s.
Secretary, Government of India,
Ministry of Labour, New Delhi and others .. Respondents

Ms. Gayatri Singh for the petitioner.
Mr. J.P. Cama, senior counsel with Mr. G.S. Shetty i/by M/s. Shaw Bay for the respondent No.2.
Mr. G. Hariharan with Mr. R.C. Master i/by Dr. T.C. Kaushik for the respondent Nos.1 and 3.

**CORAM : SWATANTER KUMAR, C.J. &**
**DR. D.Y. CHANDRACHUD, J.**

**DATED : 16TH OCTOBER, 2007**

**P.C.**

The petitioners have approached this court under Article 226 of the Constitution of India praying that the notices relating to reduction of working hours, dated 28th September, 2007 (Exhibits `N' and `O' of the petition) be quashed and set aside and further the respondent No.2 be directed to act in accordance with the provisions of the Industrial Disputes Act.

2. It is contended on behalf of the petitioners that the settlement arrived at for the period between 1st June, 1998 to 31st May, 2008 provides for payment of duty allowance in terms of clause 7.3. The management without consultation with the workmen have issued the impugned notices reducing the working hours, thus, disturbing the conditions of settlement, particularly clauses 7.3, 17 and 19. The workmen vide their letter dated 1st October, 2007 had approached the Assistant Commissioner of Labour which was in continuation of their letter dated 25th July, 2007, praying for settlement of dispute as stated in their aforesaid

letter. However, according to the respondents, they had consulted the workmen before issuing the notices in question about changing the working hours from 9.00 a.m. to 5.30 p.m. with half and hour lunch break. The learned counsel appearing for the respondents also contended that they have altered the working hours all over India and they cannot continue with or pay the duty allowance to the workmen for extra working hours. There is no dispute about the fact that the parties have already raised the industrial dispute and the same is subjudice before the Assistant Labour Commissioner (Central) and the dispute precisely referred to in the writ petition is a dispute in relation to which proceedings are pending under the Industrial Disputes Act. It is not proper for this court to determine the said issue at this stage.

2. Be that as it may, upon considering the facts and circumstances of the case on merits of the contentions raised so as to determine the issue, we dispose of this petition with the direction to the Assistant Commissioner of Labour (Central) to expeditiously conclude the conciliation proceedings and submit his report in accordance with section 12 of the Act and in any case, not later than four weeks from the date the order of this court is brought to his notice. We further direct that till 30th September, 2007, workmen would be entitled to the benefits which they were receiving in the past and further action thereof shall be subject to such order as may be passed by the competent court. Upon submission of such report to the Government in accordance with law, the Government should expeditiously consider the same as contemplated in law. The petition is disposed of.

**CHIEF JUSTICE**

**DR. D.Y. CHANDRACHUD, J.**